

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL**JS-6**

Case No.	CV 12-7040 CAS (SHx)	Date	January 28, 2013
Title	JOSEPH DAVIS V. U.S. BANK NATIONAL ASSOCIATION, ET AL		

Present: The Honorable	CHRISTINA A. SNYDER	
Catherine Jeang	Not present	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants	
Not present	Not present	

Proceedings: (IN CHAMBERS): ORDER DISMISSING CASE

Plaintiff filed the instant action in this Court on August 15, 2012. On December 17, 2012, the Court dismissed plaintiff's federal claims because it appeared that they accrued prior to April 26, 2012, the date his bankruptcy petition was filed. However, based on the allegations in plaintiff's original complaint, it was unclear when the alleged violations of the Federal Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., ("FDCPA") took place, so the Court gave plaintiff leave to amend to allege any federal claims that accrued after he filed for bankruptcy protection.

Plaintiff filed his first amended complaint ("FAC") on January 16, 2013. The sole federal claim alleged in the FAC is a claim under the FDCPA.¹ In support of this claim, the FAC states that defendant violated the FDCPA after April 26, 2012 "in one or more of the following ways," and then provides a formulaic list of the elements of a claim under the FDCPA. FAC ¶ 96. These allegations fail to state a claim for relief because a pleading must contain more than just "labels and conclusions" or "a formulaic recitation of the elements of a cause of action. . . ." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

Accordingly, plaintiff's FDCPA claim is DISMISSED with prejudice, and the Court declines to exercise supplemental jurisdiction over the remaining state claims, and

¹ Plaintiff also asserts that jurisdiction exists under the Declaratory Judgment Act, but this act only "authorizes federal courts to provide declaratory relief. . .it does not of itself confer jurisdiction on the federal courts." *Jolly v. U.S.*, 488 F.2d 35 (5th Cir. 1974).

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hence dismisses these claims as well. See 28 U.S.C. § 1467(c)(3). This case is therefore DISMISSED.

IT IS SO ORDERED.

Initials of Preparer

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CMJ